



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,680	01/04/2004	GEORGE MISIUM	E028	1679
30659	7590	04/07/2005		
ENOVUS INC. 12660 HILLCREST RD. - SUITE #4101 DALLAS, TX 75230			EXAMINER TSAL, CAROL S W	
			ART UNIT 2857	PAPER NUMBER

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,680

Applicant(s)

MISIUM, GEORGE

Examiner

Carol S. Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not include the notary's signature with forward slashes.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because the blank boxes shown should be labeled as to their function, for example: elements 1-7 in Fig. 1, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

Art Unit: 2857

remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 8-11, 13, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,795,793 to Shayegan et al.

With respect to claims 1, 8, and 13, Shayegan et al. disclose a system for predicting the

Art Unit: 2857

outcome of an event comprising: input/output means (Student (fixed) Rating Data 154 shown on Fig. 2 and output 174 shown on Fig. 2); memory means (memory 404 shown on Fig. 6); processing means (processor 402 shown on Fig. 6); means for experts to enter their opinions on said event outcome into said input/output means (see col. 4, lines 11-20); means for capturing the data from said input/output means (see col. 43, lines 28-44); means for storing measures of prior performance by different experts in said memory means (see col. 44, line 66 to col. 45, line 1); means for calculating a prediction for the outcome of said event based on the average of said expert opinions weighted by said measures of prior performance (see col. 24, lines 9-57); and means for storing in said memory means and for transmitting to said input/output means the prediction calculated by said processing means (see col. 43, lines 45-55).

As to claims 2 and 11, Shayegan et al. also disclose said expert opinions being prompted by said input/output means by asking questions from said experts (see col. 16, lines 23-27).

As to claims 3 and 9, Shayegan et al. also disclose comparing the actual outcome of the event to the individual expert opinions (see col. 16, lines 39-42), recalculates the expert performance weight (see col. 28, lines 66-67), and transmits the recalculated weight to said memory means to be used as new measure of expert prior performance (see col. 30, lines 31-44).

As to claims 4 and 21, Shayegan et al. also disclose said input/output means receives external inquiries on prior expert performance and, upon validation by said processing means, issues measures of prior expert performance (see col. 5, lines 42-53).

As to claims 5 and 22, Shayegan et al. also disclose said measures of prior expert performance being recalculated by said processing means into participatory rewards or penalties (see col. 17, lines 54-60).

Art Unit: 2857

As to claims 6 and 20, Shayegan et al. also disclose said input/output means, memory means, and processing means being part of a computer environment internal to an organization or connected to the Internet (see Fig. 6).

As to claim 10, Shayegan et al. also disclose said experts being human beings of varying degrees of skill and expertise (see col. 4, lines 27-32).

As to claim 18, Shayegan et al. also disclose said measure of prior performance by the expert is first evaluated based on a test using historical data (see col. 43, lines 63-67).

As to claim 19, Shayegan et al. also disclose said measure of prior performance being based on a mapping of prior prediction capabilities in a different realm of activity (see col. 44, lines 20-49).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shayegan et al. in view of U. S. Publication 2004/0122703 to Walker et al.

As noted above, Shayegan et al. disclose the claimed invention, except for said input/output means being a website displaying specific questions.

Art Unit: 2857

Walker et al. teach said input/output means being a website displaying specific questions(see paragraph 0342).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shayegan et al.'s method to include said input/output means being a website displaying specific questions, as taught by Walker et al., in order that experts can interact with the data processing system through input devices via a website.

As to claim 12, Shayegan et al. do not disclose said devices being classifiers used for speech or pattern recognition.

Walker et al. teach said devices being classifiers used for speech or pattern recognition (see paragraph 0326).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shayegan et al.'s method to include said devices being classifiers used for speech or pattern recognition, as taught by Walker et al., in order key medical terms can be identified for later analysis.

Allowable Subject Matter

7. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al. disclose a web services-based communication system and technique using an information server to facilitate the communication of process control data and analysis results between a plurality of web services coupled to a communication network.

Dunn et al. disclose methods, systems, and devices for measuring the concentration of target analytes present in a biological system using a series of measurements obtained from a monitoring system and a Mixtures of Experts (MOE) algorithm.

Pavlovic et al. disclose method and apparatus for combining gene predictions using bayesian networks.

Peng et al. disclose system for winning investment selection using collective input and weighted trading and investing.

Singh et al. disclose a method for predicting an accurate body condition score for pets.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be

Art Unit: 2857

directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Primary Examiner
Art Unit 2857

03/29/05